

REMARKS

This paper is filed in response to the Office Action mailed on February 9, 2007. Presently, Claims 1-15 and 18-37 are pending in the application. Claims 1-15 and 18-37 have been examined and stand rejected. Claims 34-37 have been canceled. Reconsideration of Claims 1-15 and 18-33 is respectfully requested.

The Rejection of Claims 1-4, 7-12, and 18-37 Under 35 U.S.C. § 103(a)

Claims 1-4, 7-12, and 18-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,198,261 (Sasaki).

Claim 1 has been amended to recite a restructured product wherein the seafood portions are one of either chunks or fillets. The amendment to Claim 1 is supported at least from page 4, lines 23-26.

Sasaki teaches the purpose of his invention is to obtain a fibrous neriseihin product with a fibrous structure, in which the fibrous filaments of the fish or shellfish are extended and aligned in a certain direction (Col. 4, lines 53-62). In Example 4, which the Examiner relies on to reject the claims, Sasaki teaches that Alaska pollack was collected, exposed to water, and dehydrated. To this material were added sorbitol and phosphate. The resultant mixture was cut to obtain surimi. To the surimi were added salt and starch. The resultant mixture was kneaded with a cutter to obtain a sol. The dictionary defines "sol" as a fluid colloidal system, especially one in which the continuous phase is a liquid. (*Webster's Ninth New Collegiate Dictionary*, Merriam-Webster Inc., Pubs., 1983, p. 1121.) Sasaki further describes that the sol was supplied to a twin screw extruder for processing. As a result of this treatment, a rod-like neriseihin was obtained.

Accordingly, Sasaki teaches the processing of fish in an extruder thus does not obtain a restructured product, including chunks and/or fillets held together with a binder.

Accordingly, the withdrawal of the rejection is respectfully requested.

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Claim 30 has been amended to recite forming seafood portions into a restructured seafood product, wherein the binder comprises less than 10% by weight of the product and the seafood portions being one of either chunks or fillets.

Claim 32 has been amended to recite randomly arranged seafood portions being one of either chunks or fillets. Claim 33 has been amended to recite methodically arranged seafood portions being one of either chunks or fillets.

For at least the reasons discussed above in relation to the rejection of Claim 1, Claims 30, 32, and 33 should likewise be allowed over Sasaki.

Claims 2-4, 7-12, and 18-29 depend from Claim 1. Claims 34-37 have been canceled without prejudice or disclaimer.

Accordingly, the withdrawal of the rejection of Claims 1-4, 7-12, and 18-37 is respectfully requested.

The Rejection of Claims 1, 2, 4-15, 18-30, and 32-37 Under 35 U.S.C. § 103(a)

Claims 1, 2, 4-15, 18-30, and 32-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,579,741 (Hanson).

As described in the section above, the claims are related to a restructured seafood product, including chunks or fillets of seafood that are held together with a binder. Claims 1, 30, 32, and 33 recite that the binder comprises less than 10% by weight of the restructured seafood product. This low amount of binder confers an advantage to the products of the present application. One of the advantages of using low amounts of a binder is that there is less foreign seafood present to dilute the natural and desirable flavor of the seafood portions. In addition to detracting from the flavor, amounts of foreign binders of 10% or greater in seafood products would impact the visual appearance of the finished restructured product, such as creating a visible binder matrix that can be perceived by the human eye as a layer surrounding the

individual seafood pieces. Thus, the low amounts of binder in accordance with the claims create the appearance of the restructured product being a single-ingredient seafood.

Hanson discloses that a fish paste may include modest amounts, for example, 1% to 75% of fish flesh as a substitute for the surimi (meaning 25% to 99% surimi). For example, when fabricated shrimp are to be prepared, the fish paste may contain 10% shrimp meat to aid in the provision of shrimp organoleptic properties (Col. 4, lines 1-8). Furthermore, Example 2 of Hanson clearly indicates that the shrimp in whole portions is kept to 10% by weight, and frozen and thawed surimi is 61% by weight. Thus, Hanson teaches high percentages of surimi (25% to 99%), whereas Claims 1, 30, 32, and 33 recite less than 10%.

Accordingly, the withdrawal of the rejection of Claims 1, 2, 4-15, 18-30, and 32-37 is respectfully requested.

The Rejection of Claim 6 Under 35 U.S.C. § 103(a)

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson or Sasaki as applied to the claims above, and further in view of U.S. Patent No. 4,411,917 (Chang).

Chang is merely cited for teaching tetrasodium pyrophosphate as a phosphate source for use in fish. Chang neither teaches nor suggests the binder comprising less than 10% by weight of the seafood product.

Furthermore, since Claim 6 depends from Claim 1, Claim 6 is submitted to be allowable by reason of this alone.

Accordingly, the withdrawal of the rejection of Claim 6 is respectfully requested.

The Telephone Interview

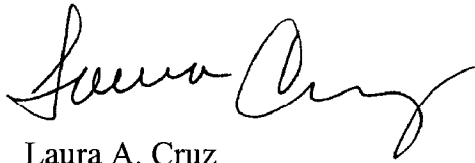
Attorney for applicants conducted a telephone interview with the Examiner on May 16, 2007, to discuss differences between the claims and the prior art references. No agreement was reached.

CONCLUSION

In view of the foregoing amendment and remarks, applicants submit that Claims 1-15 and 18-33 are allowable. If the Examiner has any further questions or comments, the Examiner is invited to contact the applicants' attorney at the number provided below.

Respectfully submitted,

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